

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Yuba)

THE PEOPLE,

Plaintiff and Respondent,

v.

HOUSTON EDWARD MCNAIR,

Defendant and Appellant.

C037851

(Super. Ct. No. CRF00587)

Defendant Houston McNair pleaded no contest to lewd and lascivious acts with a child 14 or 15 years old and more than 10 years his junior (Pen. Code, § 288, subd. (c)(1))¹ and to furnishing a minor with methamphetamine. (Health & Saf. Code, § 11380, subd. (a).) The plea was entered on the condition he be sentenced to no more than six years in state prison and any sentences imposed would run concurrently. Defendant was sentenced to six years on the furnishing a minor with methamphetamine and a concurrent two years on the lewd and

¹ Unless otherwise indicated, further statutory references are to the Penal Code.

lascivious conduct charged. Defendant did not procure a statement of probable cause. (§ 1237.5.)

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

BLEASE, Acting P. J.

We concur:

HULL, J.

KOLKEY, J.